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The Embassy is requested to make the following points to the Foreign Office concerning the proposed British modifications in the tripartite position on a semi-automatic TTD ban:

1. This type of TTD ban, swiftly applied and of limited duration, was originally conceived of as a retaliation for a one-shot East German or Soviet harassment. It was thought of as a sharp counter-action with which we could strike back almost automatically each time such a harassment occurred. Its purpose would to an important degree be psychological, although the ban would also contain some real disadvantage for the GDR. There was thus required a countermeasure which was not so drastic that its use would raise serious questions of policy nor so cumbersome that rapidity of application would be impossible. A TTD ban of a few weeks duration, limited in advance to this period, seemed to meet this need.

2. As explained in Deptel 1521 to Bonn (4183 to London), however, this measure was not thought suitable as a reaction to a new GDR harassment policy of a continuing nature. In such a case, a western countermeasure would have to be held until the GDR policy had been modified. Otherwise the abandonment of the retaliation would imply acceptance of the policy and would be a defeat for the West.

3. In any event, even a one-shot harassment is part of a communist program of gradual encroachment. Any such act would actually have the objective of "permanently restricting movement within Berlin" as an ultimate goal. Thus, while there must be a distinction in the type of retaliation in the

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two cases, the need and purpose of retaliation are exactly the same.

4. For these reasons the Department cannot see the justification for the qualification in paragraph 1 of the proposed agreed position which relates to movement within Berlin. Furthermore, although movement within Berlin is not as vital a question as access to the city, our position in Berlin is essentially a whole, all parts of which must be guarded. By its very nature, therefore, a GDR action affecting the special status of Berlin even in this respect would touch a principle we could hardly write off as not worth upholding.

5. It would be helpful if the British would indicate the sort of eventuality they foresee which leads them to suggest this wording. The wording itself is so vague as to be inapplicable in practice, as Bonn points out. We do not want a tripartite agreement just for the sake of agreement. Rather than phrasing which covered basic divergencies in view until the need arose to take action, we would prefer clear and limited agreement on lines of action on which we really can expect to be in accord at the time of application.

6. The points covered in Deptel 5070 might also be reiterated.

FYI, we see no real objection to the proposed changes in paragraph 2 of the paper if they are necessary to secure tripartite agreement. (There is a certain inconsistency in the use of the word "recommending" but this appears to be largely semantic.) However, we should straighten out paragraph 1 before making known our agreement.

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